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SUMMARY RECORD OF THE 51st MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1994, at 7 p.m.

Chairman: Mr. NEAGU (Romania)
later: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.51/Add.1.

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The meeting was called to order at 7.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97 102-104, 110, 115, 119 and 122; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, 42-44; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, 601)

1. Ms. BOUVIER (Minority Rights Group) said that the fact that in the past few years the human rights situations in 44 countries had been the subject of resolutions adopted by the Commission on Human Rights and its Sub-Commission clearly indicated the impact of difficulties of inter-community relations. In addition to the long standing examples of South Africa and Israel, other unresolved self-determination issues which had received attention during the past three years had included Palestine, Western Sahara, East Timor, Tibet and Kurdistan. In such situations violations of individual human rights often affected members of the same minority group; group rights should thus receive as much attention as individual rights.

2. The relations between minority and majority groups were a key issue in Bosnia and Herzegovina, in the province of Kosovo in the Federal Republic of Yugoslavia (Serbia and Montenegro), in Albania and in Romania. The denial of minority rights or, more generally, of group rights, had led to human rights abuse in Iraq, Iran, Burma, Sudan, Zaire and Somalia. Economic or political issues also frequently led to conflict, as in Guatemala where violence arose from the inequality in sharing the country's resources and hence power with the majority indigenous population, which had few group rights.

3. The Minority Rights Group urged the Commission to recognize that minorities needed a forum within the United Nations system in which they could make their views heard and perhaps engage in dialogue with governments. Such a forum would help to defuse tensions and hopefully would help to reduce the number of human rights violations.

4. Mr. MILOSEVIC (World Federalist Movement) said that his organization, which promoted federalist principles and sought peaceful solutions in the various regions of former Yugoslavia, had allowed him to speak as the Serb representative but took no responsibility for his statement.

5. He recalled that the human rights situation in the former Yugoslavia had been under intensive discussion in the Commission since the events of August 1992. The Special Rapporteur, Mr. Tadeusz Mazowiecki, had submitted no less than six reports on the subject to the Commission. However, a number of Governments and non-governmental organizations had expressed reservations on them, considering them to be often lacking in objectivity and showing political bias. For those same reasons, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) had refused to allow the Special Rapporteur to open a local office, while the Serb authorities denied

him access to its territory. However, in his fifth and sixth reports (E/CN.4/1994/47 and E/CN.4/1994/110) Mr. Mazowiecki had shown more objectivity and was relying on more reliable sources of information, particularly as regards matters relating to the Federal Republic.

6. Reference had already been made by his organization under agenda item 18 to the difficult human rights situation of the Serb minority in the Republic of Croatia and the former Yugoslav Republic of Macedonia. It was encouraging that the problems of the former had been recognized by Mr. Mazowiecki in his sixth report. As to the latter, it was regrettable that he had not recommended that the authorities in the former Yugoslav Republic of Macedonia should adopt a constitutional amendment giving minority status to the Serb community and so safeguard its rights as a whole.

7. Chapter V of Mr. Mazowiecki's sixth report dealt with Slovenia but unfortunately made no reference to the problems of the 60,000 strong Serb minority there, which did not have minority status and thus did not have its own schools or protection for its culture and language. His recommendation in paragraph 200 of the report that the Republic of Slovenia should be excluded from his mandate was thus unacceptable until such time as the question of all minorities in Slovenia had been settled.

8. In the case of Bosnia and Herzegovina, Mr. Mazowiecki continued to accuse Serbs of "ethnic cleansing" and of the administrative segregation of Muslims and Bosnian Croats. Such allegations were based on unverified sources and were to be rejected. On the other hand, as reflected in Mr. Mazowiecki's fifth report, over 400 civilians had been massacred by Muslim armed forces in the villages of Truzine, Miletici, Maline, Doljani, Bistrica, Kriz, Udol and Kopijari. In addition, as reported by the World Serb Union with a detailed list of names to the Centre for Human Rights, Muslim forces had killed 171 Serbs in Konjic commune in April to August 1992. The detention camp at Konjic, contrary to the information given in Mr. Mazowiecki's fifth report, had not yet been closed. A list giving the names of the 87 Serbs still imprisoned there, together with the registration numbers allotted them by the International Committee of the Red Cross, was submitted to the Commission. The Special Rapporteur was urged to take that information into account in his future reports and to endeavour to locate the sites of undeclared camps where Serb military personnel and civilians were being detained so that the International Committee of the Red Cross might be enabled to inspect them.

9. The Special Rapporteur had condemned the use of Serb civilians as hostages by the Muslim authorities but failed to make clear the extent to which Muslim forces and the Muslim authorities flouted all international human rights instruments including the Geneva Conventions by such acts as summary execution, rape, blocking the delivery of humanitarian aid to Serb communities and impeding the free movement of citizens. Serbs living in urban centres, particularly in Sarajevo and Tuzla, were being held hostage and all efforts to allow them to leave had been frustrated.

10. In paragraph 60 of his sixth report, the Special Rapporteur noted that UNPROFOR had been unable to establish the exact origin of launch for the murderous mortar attack on the marketplace in Sarajevo. The Serb authorities in Pale had rejected accusations and had called for a commission of inquiry to

establish responsibility for the massacre. The Commission's findings had been sent to the Secretary-General, who had not yet made them public. Some media accounts based on that report attributed responsibility for the massacre to the Muslim authorities in order to create a climate conducive to an ultimatum to the Serbs and consequently the use of an international military force in the Bosnian conflict. The fact that the Special Rapporteur's report indirectly accused the Serbs of the massacre was to be deplored and merely served to strengthen the manipulative efforts of the Muslim authorities to tarnish the reputation of the Serbs by accusing them of every sort of atrocity.

11. He drew the Commission's attention to an article in the Herald Tribune on 23 February 1994 which pointed out that although most Muslims claimed to want a democratic and secular State, the Christian Serbs had suffered under Muslim rule both in past centuries and during the Second World War and had long memories. Most Serbs remembered that President Izetbegovic had once said that there could be no peace or coexistence between Islam and non-Islamic social and political institutions. The Serbs had thus been forced to fight to defend their culture, their religion and their existence and no ultimatum would succeed in diverting them from that course.

12. Mr. TEITELBAUM (American Association of Jurists) said that the recent massacre in Hebron, the effects of the devaluation of the CFA franc in Africa and the continuing situations in Zaire and Western Sahara were all matters that should be studied under agenda item 12 (b).

13. In the Americas too, situations existed that deserved consideration under that agenda item. One example was Guatemala, at present inappropriately dealt with under advisory services. Another was Peru, where the failure to try the military personnel accused of the massacre at La Canuta in a civil court was only one aspect of a regime founded on autocracy, violation of fundamental human rights and impunity from prosecution. In Colombia, there was clear evidence of lack of legal guarantees, violation of fundamental rights and impunity from prosecution. In El Salvador, by granting an amnesty to military personnel, the Government had shown its lack of commitment to the restoration of human rights. The continuing existence of death squads also indicated involvement of the authorities since experience in many countries had shown that such squads could not long survive without support. The situation in El Salvador fully justified the renewal of the mandate of the Independent Expert, Dr. Pedro Nikken. In Haiti, the United Nations should discontinue the negotiations with the military regime and promote the unconditional return of President Aristide.

14. The Association considered that the Commission should express its concern at the decision of the Government of France to return the two persons charged with the murder of Kazem Radjavi to the Islamic Republic of Iran instead of handing them over to Switzerland in conformity with the European Convention on Extradition and the extradition agreement in force between France and Switzerland.

15. Ms. HERRA GARCIA (American Association of Jurists), speaking also on behalf of the National Network of Civilian Organizations for Human Rights "All Rights for All", which represented 36 non-governmental organizations in

Mexico, said that the two organizations had extensive and well documented information on the human rights situation in Mexico which affected in particular the indigenous peoples.

16. The violent social explosion in the province of Chiapas had three main causes. Firstly, the administration of justice and the public prosecution service were instruments of political and social control and did not fulfil their social function. Secondly, the economic programmes implemented during the past decade had produced a considerable deterioration in the standard of living of millions of Mexicans. Lastly, the fact that the legislative and judicial branches of the State were subordinate to the executive power meant that there were no democratic checks and balances and rendered electoral processes untrustworthy.

17. From reliable information and evidence obtained by her organizations since the outbreak of the violence in Chiapas, it was clear that there had been a serious pattern of human rights abuse, including arbitrary arrests, raids, intimidation and threats, torture, forced and involuntary disappearances, the murder of civilians uninvolved in the conflict, summary executions and the de facto suspension of guarantees of individual rights. Of the 208 complaints directly received, the perpetrators appeared to be members of the Mexican armed forces in 49.3 per cent of cases, the civil authorities in 11.6 per cent of cases, some members of the Zapatista National Liberation Army in 6.8 per cent of cases and unidentified persons in 32.4 per cent of cases. One cause for concern was the recent promulgation of an amnesty law, which might grant immunity to government authorities that violated human rights. Another cause was the presence of a third armed force in the area, the white guards, who were in the service of individuals who exercised political and economic control of the region. A third cause was the recent amendment of articles 16, 19, 20 and 21 of the Mexican Constitution relating to detention which, in contravention of international human rights standards, would allow detainees not to be brought promptly before a judge. Furthermore, a law to prevent and punish the practice of torture had been in force for six years but no public servant of the State had yet been brought to justice under it.

18. The National Network of Civilian Organizations for Human Rights called upon the Mexican Government to invite the Commission on Human Rights to visit Mexico to enable it to observe the human rights situation, to withdraw its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and to ratify the Second Protocol to the Geneva Conventions.

19. Ms. LAGER (International Federation of Action of Christians for the Abolition of Torture - ACAT), also speaking on behalf of France-Libertés: Fondation Danielle Mitterand, said that flagrant and systematic violations of human rights were continuing in Peru and deserved the special attention of the international community. In the past year, there had been 49 enforced disappearances and 34 summary executions; torture was in practice institutionalized and in effect tolerated by the Government. Conditions in Peru had not therefore changed for the better despite claims to the contrary.

The submission of declining figures for human rights violations, still among the highest in Latin America, merely indicated a realization that such crimes were taking place.

20. The causes of human rights abuse had, however, not been done away with but had in fact been strengthened. The powers of the military had been reinforced; they now had authority over the civilian population in areas where a state of emergency had been declared. Such areas had increased despite the decline in armed conflict. Furthermore, military courts had been empowered to try civilians and pass a sentence of death upon them (art. 173 of the new Constitution). The Supreme Council of Military Justice was not staffed by civilian lawyers but by senior army officers whose identity was not revealed. The Peruvian Military Court was under the authority of the Executive, not the Judiciary, in contradiction of the principles of the state of law.

21. The Commission should note that human rights abuses were not only continuing in Peru, but were taking on new forms and were becoming widespread. Hundreds of innocent persons had been detained for months or even sentenced unjustly. The secret military courts had over a twelve month period sentenced 200 civilians to life imprisonment in violation of the principles governing a fair trial set out in the International Covenant on Civil and Political Rights.

22. On the other hand, the same military courts that had been so swift to judge civilians had not managed to bring to a conclusion more than 5 out of 84 legal proceedings initiated following human rights abuses and in only one was the accused found guilty. Impunity thus existed in practice and was encouraged by the mistaken belief in the efficacy of military courts.

23. Lastly, the new Constitution extended the scope of the death penalty in violation of the American Convention on Human Rights. Peru was the first Latin American country to have introduced such a measure into its Constitution.

24. Although she welcomed the attention given to the situation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its previous session, resolution 1993/23 adopted by it by no means reflected actual conditions. The situation had continued to deteriorate since August 1993, as exemplified in the resignation of the Prime Minister in protest at the enactment of a law (Act No. 26291 of 10 February 1994) violating the country's Constitution. That Act had enabled the murder of a lecturer and nine students by members of the National Intelligence Service with the support of the army (the Canuta affair) to be tried by a military court, thus demonstrating the predominance of the military over the legislative and judicial authorities. Recent sentences passed by military personnel on military personnel were far from satisfactory in terms of combating impunity.

25. The two organizations she represented considered it essential that the Commission should, at its present session, appoint a special rapporteur as evidence of its determination to improve the parlous state of human rights and

the rule of law in Peru. They further called on the Government of Peru to invite the Special Rapporteur on torture and the Working Group on Arbitrary Detention to visit the country as early as possible.

26. Mr. MONOD (War Resisters International) said that his organization was concerned about the fate of deserters and conscientious objectors attempting to flee the republics of the former Yugoslavia rather than fight in a war they deplored. Some had been captured by the military authorities and shot. The attitude of the military authorities in Serbia, Croatia and Bosnia alike was in violation of Commission resolution 1993/84, paragraph 2 of which affirmed that persons performing compulsory military service should not be excluded from the right to have conscientious objection to military service.

27. His organization urged that deserters and conscientious objectors should be received by United Nations representatives in their countries and provided with laissez-passer to enable them to seek refuge abroad. A resolution adopted by the European Parliament on 28 October 1993 recommended that the international community should give protection to deserters who refused to take part in nationalist conflicts which it had unreservedly condemned. The attention of the Special Rapporteur of the Commission on the former Yugoslavia was drawn to the fact that such young people, who were the best hope for peace, were in extreme danger in a region where no human rights were respected.

28. It seemed a contradiction in terms that the peace negotiations on Bosnia were conducted by persons bent on war when in every republic of the former Yugoslavia notable people could be found whose commitment to peace and reconciliation were widely recognized. Surely a meeting of such persons with the United Nations mediators could be arranged and pressure from the international community applied to make the belligerents see reason.

29. He also drew attention to the situation of conscientious objectors in Greece and Turkey, who received long prison sentences despite Commission resolution 1993/84.

30. He appealed to the High Commissioner for Human Rights to put pressure on Governments to respect the rights of conscientious objectors and to ensure that deserters were given free passage out of their country and that other countries gave them refuge.

31. Mr. HARPER (Commission of the Churches on International Affairs) said that, in Haiti, churches had provided substantiated evidence of harassment, intimidation, beatings, political killings, detention and torture perpetrated by members of the army and security forces during the past 12 months. The renewed pattern of repression stemmed from the violent overthrow of the Government of the democratically elected President Aristide, the failure to implement the political agreements and Haitian military opposition to the President's return to Haiti, compounded by the major international Powers' evident lack of political will to overcome the obstacles. Repression in Haiti had reached new heights. Churches and ecumenical sources had reported cases of abuse against hundreds of persons, especially in the rural areas, by the armed forces, police and civilian attachés under their supervision. The depth and scope of politically motivated repression was corroborated in the report

of the Special Rapporteur (E/CN.4/1994/55). Such activities continued despite the presence of the International Civilian Mission. The World Council of Churches therefore recommended that the Special Rapporteur's mandate should be extended for an additional year, that he should be enabled to return to Haiti immediately and that his responsibilities should include an assessment of the effects of the presence and capacity of the international civilian mission on respect for human rights. The Commission should urge both sponsoring bodies of the Mission to strengthen its mandate and increase its personnel, establish a presence in all nine Departments of Haiti, empower it to act against human rights violations as well as monitoring them, and render immediate assistance to victims. The Commission should also recommend to the Secretary-General that the Mission should undertake to strengthen the administration of justice in Haiti, thus helping to break the current pattern of immunity. Lastly, the Commission should urge the Secretary-General and the members of the Security Council to secure, by any appropriate means, the full application of the Governors Island Agreement and the New York Pact.

32. In Sri Lanka, the ethnic conflict had gone on unabated for over a decade, causing widespread suffering and misery. The recent discovery of mass graves at Suriyakanda Mountain at Kolonne in Ratnapura district confirmed the large number of documented cases of enforced disappearances brought to the Commission's attention at previous sessions. Despite the Government's claim of improvements in the human rights situation, the abuses committed by security forces continued virtually unchecked and with impunity. Thousands of people on both sides of the ethnic divide had lost their lives. The people of Jaffna were the worst affected, subjected to constant aerial bombardment and mortar attacks, and lacking food and other essentials. Official claims that there was no ethnic problem, only one of terrorism, falsified matters and impeded efforts for peace and reconciliation. The international community must therefore remain vigilant in scrutinizing the Sri Lankan Government's commitment to the Commission to seek the whereabouts of disappeared persons, bring those responsible to justice, forbid the practice of enforced disappearance by its own security forces and review its emergency laws and regulations as they affected unwarranted arrest and detention. True progress would be greatly enhanced if the Government were to initiate peace negotiations in good faith. Until peace and full constitutional protection for human rights were restored, the situation in Sri Lanka could not be regarded as normal, and in the present circumstances, bilateral agreements between the Government and those of European countries such as Switzerland, to deny asylum to Sri Lankans, must be condemned.

33. The military blockade of the island of Bougainville had entered its fourth year, with no sign of relief for the people caught in the war between the Papua New Guinea security forces and the Bougainville Revolutionary Army. The former, contrary to international conventions, persisted in denying humanitarian relief to the war victims. It was essential for the Government of Papua New Guinea to permit access to the conflict area by qualified international fact-finding missions. The World Council of Churches urged the Commission to insist that the Papua New Guinea Government should honour its commitment to invite an international peace mission to Bougainville and to enter into negotiations, in good faith, with the representatives of the people of Bougainville for a prompt, just and peaceful settlement of the conflict.

34. The World Council of Churches was also concerned about the situation in Chiapas, Mexico. Two international church delegations had recently visited the region. Troops of the Mexican army were reported to have perpetrated enforced disappearances, extrajudicial executions and other inhuman treatment of civilians. Of much greater importance, in the eyes of the churches, was the long-term climate of poverty, marginalization and obstruction of justice affecting the majority indigenous population in Mexico. Over two decades of illegal expropriation of indigenous lands had led to the current conflict. The World Council of Churches strongly recommended that the Commission should consider the case of Mexico at its fifty-first session, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should mandate an investigation into the root causes of unrest in Chiapas, and that the situation of indigenous peoples there should be reported to the Sub-Commission at its next meeting.

35. A delegation recently sent by the World Council of Churches to parts of the former Yugoslavia had confirmed the extensive practice of rape and enforced prostitution as a means of intimidating, humiliating and abusing civilian populations in times of conflict. Reports of such practices had also been received from Cambodia, Mozambique and elsewhere. Although the human rights monitoring role given at times to United Nations peace-keeping or observer missions was welcome, it was noted that in some cases United Nations forces themselves had been involved in such practices. The Commission was urged to give special attention to the matter.

36. The World Council of Churches had closely followed the use of torture and other inhuman and degrading treatment of persons in a variety of situations around the world during the past 30 years, and had noted that they tended to spread if not strictly controlled when first identified. The Commission had an important role, in that regard, inter alia, in ensuring that all perpetrators of such practices, including members of United Nations forces, were immediately punished, and that all United Nations force commanders were given strict guidelines to prohibit them.

37. An observer (name withheld) for the Women's International League for Peace and Freedom drew attention to the serious violations of fundamental human rights being perpetrated against Colombian women: killings for political or "social cleansing" motives, enforced disappearances, internal displacement, arbitrary detention and other acts, mostly committed by agents of the State or paramilitary groups operating with them. An example was the confession made to the Attorney-General, in January 1994, by two intelligence officers of the Colombian army that, on the orders of a colonel, they had carried out a number of extrajudicial executions in the Magdalena Medio. The victims had included many women, a number of whose names were read out. In addition, women had been the victims of political persecution. One example was Aida Abella Esquivel, president of the opposition Unión Patriotica, which, since its formation in 1985, had been subjected to political repression which had cost the lives of more than 2,000 activists. Such events showed that the new 1991 Constitution, article 43 of which devoted special attention to women, was a dead letter.

38. It was up to the Commission, therefore, to take requisite steps. The Special Rapporteur on extrajudicial, summary or arbitrary executions, the

Working Group on Enforced or Involuntary Disappearances and the Inter-American Commission on Human Rights had recommended that the Colombian Government should purge the military forces of elements responsible for human rights violations, restrict the proceedings of military courts - the chief means of ensuring impunity - to military matters, and repeal the emergency legislation. But the Government had given effect to none of those recommendations. In view of the situation and the Government's non-compliance with its international human rights obligations, the Commission should appoint a special rapporteur for Colombia, and the situation in that country should be considered under item 12 of the Commission's agenda.

39. Another observer (name withheld) for the Women's International League for Peace and Freedom read out a statement by a Croatian member of the organization, drawing the Commission's attention to the human rights violations suffered by thousands of her fellow-citizens, including women and children, whose whereabouts remained unknown even though the conflict between Serbia and Croatia had ceased. Many Croatians had been taken forcibly from their homes, and the whereabouts of many of them remained unknown. The author had personally experienced the anguish of not knowing whether a loved one was alive or dead. She, like many other women whose families had been taken by the withdrawing Serbian army, had vainly tried to obtain information about her own son, who had been missing for 19 months before she had been informed that the coffin containing his body would be delivered to her for burial. She still did not know when or how he had died.

40. Having read the statement, the speaker appealed to the Commission, on behalf of the Women's International League for Peace and Freedom, to take measures to help in obtaining information about missing persons in the former Yugoslavia, to urge all Governments of the new States there to cooperate fully, and to request the Co-Chairmen of the International Conference on the Former Yugoslavia to put the matter of missing persons on the Conference agenda. She also requested that the Working Group on Enforced or Involuntary Disappearances should accelerate its investigations in the former Yugoslavia, and that the Zagreb office of the Special Rapporteur on the situation of human rights in the former Yugoslavia should be provided with the necessary resources to enable investigations into disappearances to proceed.

41. Ms. SANCHEZ (Christian Democrat International) said that representatives of her organization, at a meeting in Brussels with the President of the National Assembly of People's Power of Cuba, had stressed that, despite their organization's well-known opposition to the United States embargo against Cuba, the resulting economic hardships did not justify the political immobilism situation there, including the absence of pluralism in the Assembly itself, and that CDI was closely monitoring the situation of human rights.

42. With regard to the latter, there were a number of contrasts. Although some 30 political prisoners, including Maria Elena Cruz Varela, had been released during 1993, there was reliable information about the growing number of persons detained on political grounds. Particularly alarming was a law, applied chiefly against young persons, which enabled persons to be arrested, summarily tried and sentenced to up to four years in prison without having committed any offence, solely on the presumption that they might do so. Likewise, violations of workers' rights continued to increase during 1993;

workers continued to be sacked for political reasons and then, in some cases, arrested on charges of vagrancy. Under Decree-law No. 132, increasing numbers of workers had been fined, had been suspended and had had their wages stopped or had been transferred to lower-paid jobs. The economy could not be revitalized if the labour force could not exercise the fundamental rights guaranteed by ILO instruments.

43. Both the Conference of Bishops of the Catholic Church and the Methodist Church of Cuba had stated that the country's current crisis was not only economic but had grave political, social, moral, spiritual and cultural implications, and that the climate of violence was increasing on account of the crisis. According to the message of the Catholic Bishops of Cuba on 8 September 1993, the omnipresent official ideology, the restrictions imposed on freedom, the excessive control exercised by State security bodies, the large number of persons imprisoned for acts which should not be deemed criminal or warranting detention, and discrimination on philosophical, political, religious or other grounds were all violations of human rights which the Commission should consider.

44. The Cuban Government, however, showed no sign of wishing to seek a solution based on openness and genuine dialogue. Therefore, a visit by the Special Rapporteur on Cuba would seem an essential first step. Another measure which would help would be for the United States Government to review its punitive economic measures against Cuba, measures which the international community had opposed on several occasions. It was also hoped that the dialogue recently announced by the Cuban Government would be extended, as soon as possible, to authentically democratic and representative social and political groups.

45. In Haiti, the situation continued to worsen, and the economic sanctions being applied had only served to deepen the crisis and the population's suffering. The blockade had led to growing corruption, smuggling, and unemployment, and the ruin of emergent small and medium-sized businesses. Meanwhile, military repression was growing and the tonton macoute had reappeared, acting with greater cruelty and impunity than ever.

46. Since Haiti was a parliamentary regime, it was in the Legislative Assembly that practical formulas should be sought for the restoration of democratic procedures and institutions. In addition, there should be a review of the sanctions, and efforts by international bodies to assist Haiti in improving the human rights situation.

47. Ms. WESCHLER (Human Rights Watch) said that in Angola, where one of the world's bloodiest conflicts was being waged, civilians had become victims of calculated violence by both sides: on the one hand, limpeza (a form of ethnic cleansing) by UNITA forces; on the other, manhunts by government-tolerated vigilantes. According to reports from the central and the northern provinces, both sides were engaged in killing and intimidating civilians as a method of warfare, especially against people of a different ethnic group. Humanitarian agencies estimated that at least 40,000 people had been killed since 30 September 1993, and that tens of thousands had been injured. Other consequences were mass civilian displacement and further ethnic division. A

primary cause of civilian injury and death was the spread of land-mines; it was reported that more mines had been planted since January 1993 than during the previous five years.

48. In Bosnia and Herzegovina, all parties to the conflict had been guilty of human rights violations, in varying degrees. Although the chief offenders had been Serbian military and paramilitary forces, their "ethnic cleansing" policy and actions did not absolve other parties of their due responsibility. Human Rights Watch had produced extensive documentation of abuses such as summary executions of civilians and disarmed combatants, abuse in detention, rape and hostage-taking. Once the facts were established, those responsible must not go unpunished; the principle of accountability for human rights abuses must not be weakened under any circumstances, including peace negotiations. Human Rights Watch strongly supported the International Criminal Tribunal for the former Yugoslavia, and urged Governments to take all appropriate measures to ensure its effectiveness.

49. National and international attention had been drawn increasingly, during the past year, to rape as a form of torture in custody and a human rights violation in the context of armed conflict. Instances of widespread rape by Indian security forces in Kashmir had been investigated by Human Rights Watch; few of the incidents had been investigated by the authorities and, when reported, had not led to prosecutions. The fear of rape had reportedly been a factor in the flight of Muslim families from Kashmir. In Somalia, too, rape was a cause of displacement. Of the Somali women refugees in north-eastern Kenya, nearly half of those who had reported being raped had cited that as one reason for their flight. Of the 192 cases considered, 85 had been raped in Somalia before fleeing to Kenya.

50. The proliferation of land-mines was a human rights scourge affecting roughly one third of the developing world and was increasing by the month. The Commission had recognized the problem at its previous session in resolution 1993/83, as had the General Assembly at its previous session. The Special Rapporteur on Afghanistan had noted in his report for 1990 (E/CN.4/1990/25) that the problem of minefields was fundamentally linked to the right to life and the right to security. Human Rights Watch had concluded that there were approximately 100 million land-mines planted or scattered in over 60 countries, the worst affected being Afghanistan, Angola, Cambodia, Iraq, Kuwait, Mozambique, Somalia, Sudan and the former Yugoslavia. De-mining efforts supported by the international community were an important first step towards dealing with that major human rights problem.

51. Human Rights Watch called on all States to conform to international standards for the treatment of civilians in conflict situations and to uphold the principle of accountability for abuses in that context.

52. Mr. WOLDE MARIAM (Anti-Slavery International) said that some human rights violations stemmed from imperfect human institutions, but in some regions, such as the Horn of Africa, where political power was acquired and maintained by the gun, human rights violations constituted the main instrument of dictatorial rule. The grossest human rights violations attracted international attention when they became dramatic enough for television

screens; but the international community, and the Commission in particular, must find ways to identify signs before matters became out of hand.

53. Such signs were to be observed in Ethiopia. With the fall of the Derg, the military regime whose gross human rights violations had been notorious, there had been great expectations for the democratic process, the rule of law and respect for human rights in Ethiopia. Unfortunately, that goal was as remote as ever. The Ethiopian Human Rights Council had noted a number of gross violations of human rights, including the killing of 28 persons by security forces, the death of at least 35 prisoners in 1992 and 1993, presumably from malnutrition and disease, the disappearance of 13 persons for periods ranging from three to nine months, the legal detention of thousands of persons, for months and even years, the continued detention of seven prisoners several months after the courts had ruled their release, and a particular form of crude, disabling torture consisting of binding a victim's arms; photographic evidence was available for those who wished to see it. And there was a current campaign in Ethiopia to silence the press; at the time of his departure from Addis Ababa the previous weekend, 18 journalists had been in prison and two had disappeared.

54. The principles set forth in the Universal Declaration of Human Rights admitted no boundaries of race, sex, religion, social status or other difference between individual human beings. No veil of cultural peculiarity or sovereignty should be allowed to divide the fundamental unity of humanity and the concern that human beings should have for each other. In that spirit, the Commission should consider the appointment of a special rapporteur on the situation in Ethiopia.

55. Mr. BACALE (African Association of Education for Development) said that the Commission and the international community were the only hope for the people of Equatorial Guinea to rid itself of the cruel dictatorship which it had suffered for 25 years, currently under President Obiang Nguema.

56. Although 1992 had seen the detention and torture of more than 100 opponents of the regime, in 1993 there had been a new wave of repressions, with arbitrary detention, extrajudicial imprisonment, killing and intimidation of the democratic opposition and of civilians. The unprecedented clamp-down, organized at the highest levels of the State and carried out by the security forces, had culminated in the detention of former members of the armed forces. The President had justified the detentions on the grounds that those detained were vagrants who were stirring up trouble in Malabo.

57. Meanwhile there had been a demonstration by a group of young people on the island of Annobon in support of a minimum standard of living. The army had opened fire on the unarmed protesters, of whom two had been killed. The rest had taken refuge in the woods. Taking advantage of the situation the President had sent in his security forces, who had embarked on an orgy of looting, rape and destruction throughout the island. Two days later, on 15 August, a ship had arrived containing over 250 "Ninjas" - a unit of the security forces trained to kill and torture - led by a brother of the President; there followed the indiscriminate detention of all the men on the island, including the mayor of the only town.

58. Some 30 islanders had been locked up in Annobon prison, in appalling conditions of suffering humiliation and torture, until they were taken in chains to Bata. There they had been imprisoned, six to a cell in cells 4 m^2. Subsequently they had been tried by court martial, accused of secession and assault. Their opponents had proposed the imposition of the death sentence. In the event prison sentences ranging from 20 to 28 years had been imposed on eight men and the rest had been acquitted, bringing to an end the farcical expedition mounted against the mere 2,000 islanders of Annobon. Since that time, the Government had imposed a news blackout on the island.

59. In another incident a former army officer, Mr. Pedro Motu Mamiaga, in danger of arrest by a presidential security patrol, had sought refuge with the Archbishop of Malabo. Archbishop Ildefonso Obama, however, was a brother of one of the President's ministers and had refused his protection. Mr. Motu had been arrested by the Ninjas or by the "Squadrons of Death", an armed unit formed principally from members of the President's clan. He added that the Ninjas were a cause of terror throughout the country. They subjected their victims to degrading and inhuman treatment, such as forcing them to swim in diesel oil or pouring petrol over them and leaving them out in the sun.

60. Mr. Motu, to whose lot it had fallen to arrest the former dictator, President Macias, the uncle of the current President, had been taken by them to a place called Black Beach, where he had been ritually tortured by being disembowelled and having his heart taken out. Not only had the authorities refused to hand over his body to his family, but some 20 members of the armed forces involved in the Motu case had been arrested on a charge of organizing a military uprising.

61. During 1993 two activists of the People's Union were tortured and killed in prison in the city of Ebebiyin. Senior members of the Government, such as Manuel Nguema Mba, Secretary of State for Security, and Armengol Ondo Nguema, a brother of the President and Director-General of Security, had participated in the various killings, tortures and acts of repression. Indeed, following the opposition's triumphant policy of abstaining from the fraudulent parliamentary elections on 21 November 1993, repression had increased; it was impossible to move around the country except on presentation of one's electoral card and the Government was making every effort to provoke violence and destabilize the opposition. A number of people had been detained for political reasons. The Government accused the opposition political parties of acting with foreign support and therefore held them responsible for any loss of life in the country.

62. His organization denounced the repeated and brutal violations of human rights in Equatorial Guinea; the climate of violence, persecution, torture and killing fostered by the authorities; the creation of violent structures, such as the Ninjas and the security apparatus; the risks run by political activists under the dictatorship; and the excessive power wielded by General Obiang. He therefore appealed to the United Nations, the European Community, Spain, the United States of America and France to take all necessary measures to ensure respect for human rights in Equatorial Guinea, including the use of force or the freezing of President Obiang's foreign bank accounts.

63. Ms. TRUJILLO (International Union of Young Christian Democrats) reminded the Commission that for 50 years it had debated and made resolutions on behalf of peoples whose Governments had violated their rights. Two generations of Cubans had denounced the human rights violations committed by the Marxist-Leninist Government of Cuba. Little had changed in that time; yet she and her generation still hoped and believed that God and the Commission could help them.

64. In the previous months the Cuban Government had attempted to maintain its political intransigence, even though it had embarked on some half-hearted economic reforms intended to mark the beginning of democratization. The result had been a considerable increase in human rights violations. Pointing out that 62 per cent of the 11 million Cubans were below the age of 35, she said that the average age of political prisoners - 24 years - was also low. Such people had been sentenced to as much as 10 years in prison on such dubious charges as "enemy propaganda", "illicit association" and "being dangerous people". As though it were a State secret, the Government did not disclose the number of political prisoners nor the number of prisons. Cuban human rights organizations, however, calculated that the prison population was some 218,930, more than 2 per cent of the total population.

65. The majority of those fleeing the country because of the economic and political crisis were also young. Of those, 3,646 had reached the United States coast, usually in unseaworthy craft; it was a startlingly high figure, considering that only one in three of those attempting to cross the 90 miles of sea succeeded in doing so.

66. In those circumstances the conflict between the Governments of Cuba and the United States was being conducted for political ends, at the expense of human considerations. The Christian Democrat Party of Cuba and its Youth Section, of which she was the Chairwoman, were opposed to any such approach, at home or abroad, which hampered the free self-determination of the Cuban people. It therefore urged, with equal force, both that the United States embargo on Cuba should be raised and that the Cuban Government should respect its people's human rights. The cold war was over; but the resulting changes should not be limited to the relations between Governments. A Government should also heed its own people. The Cuban Government should not use its differences with a foreign State as a pretext for denying its people the right to establish political parties, enjoy freedom of expression and hold free elections.

67. Her organization therefore supported all those who sought national reconciliation and the participation of all Cubans in the democratic future of her country. She asked the Cuban Government to pay heed to the call for political dialogue contained in the Pastoral Message put out by the Cuban bishops in September 1993; in the resolution of the European Parliament in September 1993; in the resolution of the Latin American Parliament in August 1993; and in the 1993 report of the United Nations Special Rapporteur on Cuba (E/CN.4/1993/39).

68. In conclusion, she hoped that a peaceful solution to her country's problems could be found before it was gripped by civil violence. The Cuban

Government could start the process by releasing its political prisoners, recognizing the opposition groups in the country and respecting the people's human rights.

69. Mr. ABU EISSA (Arab Lawyers Union), pointing out that the current session was the first since the World Conference on Human Rights, said that the Commission should abide by the spirit and lessons of Vienna, from which some positive signs had emerged for progress in human rights.

70. The promotion and advancement of human rights and the protection of fundamental freedoms had been a major objective for the Arab Lawyers Union throughout the 50 years since its founding. Despite the bright future for the advancement of human rights in the world in general, and in the Arab and African regions in particular, presaged by the progress of democracy, there were also real obstacles in its path. The most important of those was the fact that the average person had little confidence in human rights because of the actions of the North, which were based on double standards and selectivity, lack of commitment and the priority given to political interests. Thus, for example, no action had been taken on behalf of the Muslim population in Bosnia and Herzegovina, yet in the case of the Gulf crisis or the two Libyan suspects in the Lockerbie case the North had reacted strongly, despite the catastrophic effects on the people of Iraq and the Libyan Arab Jamahiriya. Such embargoes represented the deliberate denial of the basic human rights of the people of those two countries, including the right to life. The duality and lack of coherence in situations that were nearly identical presented a challenge to the United Nations. It was time to turn away from a national view based on the interests and politics of some countries.

71. The daily violation of the Palestinian people's human rights by the Israeli authorities was threatening the peace and security of the entire region. The situation raised fears regarding the new round of the Middle East peace process. The so-called Gaza/Jericho Agreement did not respect the rights of the Palestinian people and the Arab Lawyers Union warned the international community against any individual solutions to the conflict reached outside the United Nations framework, or at least under its supervision. Unless the Security Council intervened immediately to impose the implementation of all resolutions passed by the United Nations in that regard, and to empower the Palestinian people to achieve its right of self-determination, with Jerusalem as its capital, the region would remain on top of a volcano. The United Nations could not leave the outcome to be determined by either the strength of the victor and its allies or the weakness of the loser.

72. With regard to the human rights situation in the Sudan, his organization was pleased to see that the Special Rapporteur's interim report on that country (A/48/601) had supported all the information and evidence that the Arab Lawyers Union had presented to the Commission over the previous four years and which the military fundamentalist regime of the Sudan had always maintained were fabrications, exaggerations and lies. The dismal record of human rights in Sudan had been reaffirmed in the Special Rapporteur's final report (E/CN.4/1994/48). Arbitrary detention and torture still existed; there was a lack of any judicial independence and all

rights - particularly trade union rights - had been abrogated. Indeed, a former cornerstone of the regime, the ex-President of the Human Rights Commission in Sudan and Vice-President of the appointed parliament, Mr. Aldo Ajo Deng, had testified, following his defection from the country, that the human rights situation was even worse than the Arab Lawyers Union and other human rights organizations had supposed. The Government had expanded the war in the south and converted it into a religious holy war. Taking advantage of the dry season, it had mounted a concentrated summer offensive, with the aim of breaking the people's resistance and emptying the south of its population. Aerial bombardment had resulted in many deaths and the flight of hundreds of thousands of refugees.

73. The intervention of the Security Council and the international community was essential to put an end to the war and to impose an arms embargo on the military Government of Khartoum. The Government's actions did not end with its own people, moreover. It encouraged the citizens of other countries to come and be trained in terrorist practices and be inculcated with extremist thinking and ideology and then it exported them back to their own countries with a view to destabilizing them. Such actions were a major threat to national sovereignty and non-intervention in the internal affairs of States. His remarks were based on complaints from Algeria, Tunisia, Egypt, Uganda, Ethiopia and, most recently, Eritrea.

74. Lastly, he expressed his concern at the disappearance of the Libyan jurist, Mansour Al-Kikhia, a member of the Board of Trustees of the Arab Organization for Human Rights, following the conclusion of the work of its General Assembly in Cairo in December 1993. Such a disappearance was of particular concern when it affected human rights activists and those who disagreed with their Governments. He urged the Commission to pass a resolution making it possible to intensify the efforts to discover Mr. Al-Kikhia's fate, to assign responsibility for his disappearance and to prevent the phenomenon from recurring.

75. Ms. BATZIBAL (International Indian Treaty Council) said that since its inception the Commission had heard appeals from the 300 million people making up the world's indigenous peoples. There were, however, countries which supposedly respected the rights of indigenous peoples, but in practice violated their rights and broke agreements. One example was the Ruby Valley Treaty between the United States of America and the Shoshone nation, signed in 1863; the people's rights to their traditional lands and way of life had been violated under the terms not only of the Treaty itself, but also of the United States Constitution.

76. In the search for better ways of preventing human rights violations everywhere, it should not be forgotten that the major problem was the impunity enjoyed by those who infringed them. Until the international community evolved more efficient mechanisms for preventing such violations, the only weapons were constant vigilance, the denunciation of those responsible and sheer moral force. Thus, for example, in the course of 11 years, the Salvadorian army had killed dozens of members of the National Association of Indigenous Salvadorians, yet nobody had been punished, despite the fact that the identity of those responsible was known.

77. Her organization had carefully studied the report of the Independent Expert, Mr. Pedro Nikken, on the human rights situation in El Salvador (E/CN.4/1994/11). The report noted that there was a serious deterioration in the situation, that the political violence perpetrated by the death squads had risen and that impunity continued. She urged the Commission to keep the situation of El Salvador under review.

78. There had been no improvement in the human rights situation in Bougainville, where the Government of Papua New Guinea had ignored resolution 1992/19 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, calling for the raising of the blockade and for freedom of movement for the islanders. There continued cases of disappearances, extrajudicial and summary executions, torture and other cruel, inhuman and degrading treatment. Her Council urged the Commission to adopt a further resolution to help put an end to the systematic violation of human rights by Papua New Guinea.

79. She also called the Commission's attention to the situation in East Timor, where the military were in occupation, with full impunity, and were oppressing the indigenous people of East Timor. The Commission should express its deep concern at the systematic violation of human rights and fundamental freedoms in East Timor, whose people had the right to use their own language and exercise their civil, political economic, social and cultural rights.

80. She also expressed her concern regarding the situation in Western Sahara, where the Moroccan authorities were putting obstacles in the way of the plebiscite envisaged by the United Nations to put an end to the war, the occupation and the impunity. She believed the Commission should pass a resolution calling on the Moroccan Government to respect United Nations resolutions and to punish those responsible for human rights violations.

81. Another cause of concern was the situation in Sri Lanka. The blockade imposed by the authorities in Colombo on the northern and eastern parts of the country affected the civilian population, particularly children and old people. The population also came under regular bombardment. A resolution should be adopted opening the way to a solution to the conflict and appealing to the Sri Lanka Government to end summary executions, torture, disappearances and the bombardment of the population.

82. Turning to the situation in her own country, Guatemala, she pointed out that the previous year the Commission had decided to give the Guatemalan Government the benefit of the doubt. Repression, however, was continuing. The Independent Expert had recommended the dissolution of civilian self-defence patrols, an end to forced recruitment and a recognition that communities who had fled were civilian, non-combatant populations; only thus would human rights and fundamental freedoms be guaranteed. None of those measures had been implemented. Young men, many of them below 15 years of age, were rounded up by force and brutally obliged to repress their own indigenous people, ignoring the values of Mayan culture. In October 1993 a mass grave had been discovered containing the bodies of 70 women, of whom three had been pregnant, and 105 children. The military and the patrols still operated with full impunity. Many communities were subject to military attack. It was

regrettable that the President of the country, who had formerly been concerned with human rights, had not only not prevented human rights violations in the country, but had actually endorsed those responsible for such violations, taking on himself personal and institutional responsibility for their actions.

83. The time had come for the Commission urgently to adopt a resolution calling on the Guatemalan authorities to put an end to all violations of human rights and fundamental freedoms and to ensure that those responsible were brought to trial and punished; and also calling for an end to enforced and discriminatory military recruitment and for the disbanding of the civilian self-defence patrols (PACs), and an investigation into the fate of more than 40,000 persons who had disappeared. It should also appoint a special rapporteur, continue to monitor the case, and decide to consider the situation of human rights in Guatemala under item 12 of its agenda; and should call upon the parties involved in the conflict to resume dialogue and sign the human rights agreement, agreeing to the establishment of a Commission on the Truth, with the support and participation of all sectors, including the indigenous communities, and of the international community. Meanwhile, until such time as more effective mechanisms were found to put an end to impunity, the only hope lay in the moral force of international condemnation.

84. Mrs. BHAN (All India Women's Conference) said that Kashmiris were the victims of a war and of fundamentalist terrorism unleashed by a theocratic Pakistan, which for the past 47 years had been trying to unsettle a society that had lived in peace and harmony for thousands of years previously. Ever since 1947, overt and covert means had been used to destroy the peace and tranquillity of the region. Yet Kashmiris, Hindus and Muslims alike, had resisted them peacefully and collectively. In recent years, however, Pakistan had resorted to new tactics, flooding the Kashmir valley with mercenaries, and with young Kashmiris who had been indoctrinated and trained as terrorists. The result had been a bloodbath in which the population had been denied the protection of the State or Union Governments, followed by the forced migration of virtually the entire minority community from the valley.

85. It was the first time that the speaker had had the privilege of addressing a United Nations body. She made no claim to understand international covenants or United Nations resolutions. What she wanted the Commission to know was that, four years after those massacres, she and hundreds of thousands of other innocent Kashmiris were still refugees and homeless exiles. All of them longed to return to the places where they had grown up, and where they wanted their children and grandchildren to grow up. Yet that would not be possible until the collective voice of the free world persuaded Pakistan to stop wreaking havoc in Kashmir. On behalf of the suffering women of Kashmir, she called upon the conscience of the free world to respond to that massive human tragedy.

86. Ms. ZEENAT (All India Women's Conference) said that it was not just the Hindu minority community that was a victim of terrorism in Kashmir: over 50,000 Kashmiri Muslims had been forced into exile for daring to oppose the terror unleashed by Pakistan. Kashmiris had supposed that the brutalities committed by Pakistan in 1947 could never be repeated, that in a changing world order, nations would understand the futility of aggression. Yet

in 1988, in the name of Islam, Pakistan had launched another vicious war on the Kashmiris, thereby revealing its ignorance of a religion that stood for peace, tolerance and human dignity.

87. Pakistan had been attempting to annex Kashmir ever since 1947, when it had annexed a part of the State, calling it Azad Kashmir (Independent Kashmir) - an irony, since it was in reality the enslaved Kashmir. Over three quarters of the territory of the State had been carved away, and renamed the Northern Areas. The population of that colony of Pakistan had never once been given the opportunity to participate in elections. Pakistan refused to comply with a judgement of the High Court of Pakistan-Occupied Kashmir that the Northern Areas should immediately be made a part of Pakistan-Occupied Kashmir. Pakistan was denying the right of self-determination to the people of Kashmir, which it had occupied illegally. Pressure should be exerted on Pakistan to decolonize the part of Kashmir that it had annexed.

88. The words "Freedom For Kashmir" were frequently bandied around by outsiders who had no concern for the human values, peace and progress of Kashmir. Many people were fighting a legitimate battle for the freedom and liberation of Kashmir; but they were battling for freedom from terror, freedom from the religious bigotry and fundamentalism which Pakistan sought to impose upon them, freedom from hatred and prejudice, and freedom from the fear of the gun. They wanted to save their age-old culture from the clutches of those who sought to enslave them. The return of peace to Kashmir depended on the successful outcome of pressure by the international community to halt the promotion of terrorism by Pakistan.

89. Mr. RICH (Survival International) said that on 19 February 1985 Ben Andrew, an Innu from Sheshatshiu, Labrador, had addressed the Commission on item 9, and had referred to the disintegration of Innu society under 30 years of European colonialism. Sadly, the Government of Canada continued to deny the Innu people the right freely to determine their own future. Indeed, the response of the observer delegation for Canada to Mr. Andrew's intervention had been to categorize the Innu as a minority, and hence without the right to self-determination.

90. Since 1985, when the effects of Canadian government policy had already begun to manifest themselves in a suicide rate among the Innu people 17 times higher than that among the European settlers, the situation had deteriorated further. Canada continued to rent out Innu air space to the air forces of the United Kingdom, Germany and the Netherlands for tactical low-level flight training. Video-taped evidence of social collapse among the Mushuau Innu had caused a scandal in the international press the previous winter. However, little attention had been devoted to the causes of that social collapse. What was happening must be seen in the context of a pattern of relations between the Innu people and the alien Government that had entered their land in force in the 1950s, and, in the case of the Mushuau Innu, only in 1970.

91. From the middle of the century, the Innu population of the Labrador/Ungava peninsula had been subjected to a number of Government-organized relocations. The relocation of the entire population of Mushuau Innu at Utshimassits had had particularly disastrous consequences. According to one Newfoundland official, of the children born in the

three years following the relocation, only seven had survived, while 70 had died. Following that experience, the surviving half of the population had escaped and walked for five months to return to the area near Davis Inlet.

92. In 1967 the Government had decided to establish the Mushuau Innu in a permanent village where, in the language of the officials responsible, they might be "civilized". The mainland population was moved to the island of Iluikoyak, where houses and a school were built. Marooned for much of the year on that island and separated from their hunting grounds, they fell prey to alcoholism and tuberculosis. Missionaries mounted an assault on their hunting-based religion. Following the introduction of structured schooling by European teachers, the family system for the transmission of knowledge, skills, values and beliefs had abruptly broken down - a process that quickly led to ethnocide.

93. Between 1973 and 1992 there had been 47 alcohol-related deaths among the newly sedentarized Mushuau Innu. In the period from July 1991 to December 1993, there had been 53 contemplated suicides requiring intervention and 150 attempted suicides involving firearms, drug overdose, ingestion of poisonous substances, hanging, burning or drowning. Two of the attempts involving firearms had been successful. Those reported attempts represented an estimated 60 per cent of the true total.

94. The message to the Mushuau Innu from their new European masters had been "become like us or perish". Many found death a more attractive choice than life in the conditions created in the Government-built village.

95. In August 1993 the Canadian Commission on Human Rights had issued the Report on the Complaints of the Innu of Labrador which it had commissioned from the Dean of the Common Law Section of Ottawa University's Faculty of Law, Mr. Donald McRae. In conclusion No. 48 of his report, the Rapporteur stated that it was clear that the Mushuau Innu were the victims of ethnocide or cultural genocide. In conclusion No. 33 he stated that the negligent and abusive actions by the Federal and Newfoundland Governments, and their repeated failures to act, amounted to systematic and gross violations of the human rights of the Mushuau Innu. The report, copies of which were available from his delegation, described in detail the government and church policies that had brought the Mushuau Innu to the brink of complete social collapse. Three weeks previously, Canada had responded to a proposal from the Innu to address both the causes and the effects of the crisis. While it welcomed that evidence of Canada's willingness finally to acknowledge the legacy of its rule over the Innu and to deal with its consequences, his organization awaited evidence that Canada had indeed adopted a new approach to the Innu people, recognizing its right to self-determination.

96. Mr. van Wulfften Palthe (Netherlands) took the Chair.

97. Mr. MEJÍA (World Organization against Torture) said that repression of the Kurdish population, opposition groups and religious sects such as Baha'is and Christians in the Islamic Republic of Iran was the result of calculated government policy. Thousands of people endured a similar situation in the Sudan as a result of the policy of arabization and Islamicization, in which rape was used as a means of "creating a new Islamic generation". In both

countries, the legal system was manipulated to secure political ends. A similar trend was to be observed in Iraq, particularly in the south of the country. More than 70,000 men, women and children detained in 1988 during the Anfal operation were still missing. In view of the situation in those countries, the Commission must call on the authorities to release those illegally detained, and should also urge the Iranian authorities to end activities likely to jeopardize international security. The Iraqi authorities should be required to lift the obstacles to international aid efforts.

98. The Commission should also recommend the adoption of measures at international level to bring about a swift and lasting solution to the situation in Zaire, where, as the report of the Secretary-General (E/CN.4/1994/49) revealed, hundreds of persons were the victims of institutional violence and repression. In Bougainville, too, unlawful detention, torture, summary executions and forcible displacement were commonplace. The Commission should call on the authorities of Papua New Guinea to end that situation, and should invite the Special Rapporteurs on the questions of torture and summary executions to carry out a fact-finding mission. In East Timor, despite signs of cooperation on the part of the authorities, there had been no real improvement in the situation. Harassment, unlawful detention, torture and enforced disappearance were a routine occurrence, and the trial of those responsible for the Santa Cruz cemetery massacre in Dili demonstrated that impunity prevailed. The Commission should continue to consider that situation as a matter of priority, until such time as the rights of the people of East Timor were fully recognized.

99. The situation in Haiti was a matter for particular concern. Gross human rights violations by all parties took place in a climate of total impunity, and the situation had further deteriorated since the withdrawal of the International Civilian Mission. The Commission and the international community must make every effort to ensure that legitimate democracy was restored. With regard to Cuba, his organization endorsed the recommendations of the Special Rapporteur, contained in paragraph 69 of his report (E/CN.4/1994/51). The Commission should again call on the authorities to cooperate with the Special Rapporteur, and to free those persons detained for exercising their fundamental freedoms. Furthermore, in the light of the specific socio-economic conditions in Cuba, their adverse consequences for the population, and the serious external obstacles to attempts to breathe new life into the economy, the Commission should endorse the Rapporteur's conclusions set forth in paragraphs 74 and 75 of the report, and should call on the United States of America to suspend its economic and financial blockade.

100. In Colombia, the Philippines, Guatemala, Sri Lanka and Turkey, violence and repression were especially widespread, as was impunity. The responsibility or identity of the perpetrators of the violations were concealed, military and secret courts were given excessive powers, and the powers of the ordinary courts reduced accordingly. The Commission should single out those countries for special attention, encourage the peace initiatives under way in some of those countries, and urge the international community to take concerted action to find a lasting political solution to the conflicts.

101. The Commission must continue to devote special attention to the situation in Rwanda, where rejection of the Arusha Agreements by some politicians and sectors of the military gave grounds for fearing that the peace process might be seriously jeopardized. Inter-ethnic rivalries were also being exploited in an attempt to hamper the peace process. In Burundi, since the attempted coup d'état which had resulted in the death of the President and of a number of ministers, the process of democratization was also compromised by a crisis with an ethnic component. The climate of uncertainty in both countries was part of a pattern of regional instability, exacerbated, particularly in the case of Rwanda, by interference on the part of neighbouring countries, interference which threatened international security in the region. The Commission should recommend appropriate measures to ensure stabilization and democratization in that region.

102. Developments in Tibet also called for attention on the part of the Commission. In the past year, hundreds of persons had been detained, ill-treated, tortured, summarily tried or detained in inhuman conditions. The Commission should call on the Chinese authorities to end those acts and promote respect for the rights and freedoms of the Tibetan people. In Bhutan, the process of "Bhutanization", confirmed by the Citizenship and Marriage Act, had resulted in more than 120,000 persons (one sixth of the population) taking refuge in Nepal or India. In Nepal itself, more than 2,000 persons, including 17 parliamentary deputies, had been detained in the past year, and torture was widespread. The report of the Special Rapporteur on extrajudicial executions (E/CN.4/1994/7, para. 460) gave details of deaths resulting from the activities of the security forces. There, too, violations formed part of an overall picture of political antagonisms and socio-economic difficulties, exacerbated by the presence of a number of refugees, many of them in imminent danger of expulsion under the classification recently drafted by the Nepali-Bhutanese Joint Committee. The Commission should request the respective authorities to suspend the classification forthwith, and to consider the situation in cooperation with the Office of the United Nations High Commissioner for Refugees.

103. Lastly, his organization wished to draw attention to the situation in Mexico, where the peace initiatives and the proposals of the authorities to meet the demands of the population were highly constructive. Nevertheless, attempts were being made to grant impunity to those responsible for serious human rights violations, and to exclude the indigenous and peasant communities from the negotiations aimed at finding solutions to the socio-political, economic and cultural problems of the country. The Commission should encourage the authorities to prevent all forms of impunity, and to ensure full participation by the indigenous and peasant communities in the formulation and implementation of the policies needed to overcome factors likely to cause destabilization and conflict. In countries throughout the world where persons suffered from violence and repression, the authorities should be urged to provide mechanisms to assist and rehabilitate the victims. The Commission should also urge the international community to strengthen its cooperation with the United Nations Voluntary Fund for Victims of Torture.

104. Mr. GWAM (Nigeria) said that a global survey of compliance with all human rights provisions would indicate that not one State could be said to be totally free of violations. That failure to promote all aspects of human

rights should be cause for a renewed commitment and joint action to eliminate all violations, particularly those touching upon the dignity of the human person, such as the basic right to food, health and shelter.

105. Many people, whether individually or collectively, did not enjoy economic, social and cultural rights. Particularly in developing countries, that state of affairs was due to structural impediments resulting from the legacy of the past and from poorly conceived institutions, and had been compounded by inter-ethnic and intra-ethnic rivalry fuelled by competition for meagre State resources. The tragedies unfolding in Angola, Mozambique, Liberia, Rwanda, Burundi and the Sudan must be seen against that background. Elsewhere, post-cold-war changes had led to the collapse of old States and attempts to create and assert new identities. In Bosnia and Herzegovina, Azerbaijan and Armenia, those attempts had led to wars and gross violations of all aspects of human rights. All those tragedies were reminders that despite lofty proclamations and declarations, the world was still a cruel place, in which the goal of respect for the dignity of mankind and all aspects of human rights was far from achieved.

106. The international community must act to put an end to those tragedies, ensuring through the Commission on Human Rights and the individual organs of its States that peace returned to Angola, the Sudan, Somalia, Chad, Rwanda, Burundi, Mozambique, Armenia and Azerbaijan. There must also be a just and fair solution to the problem of Bosnia and Herzegovina. If the international community failed to act, those countries would be condemned to endless violence and permanent underdevelopment. The struggling democracies of Angola and Burundi must be helped to promote the exercise of human rights. All those countries must be assisted in their quest for peace, so that they could concentrate on development thereafter.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.51/Add.1